

Message Text

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ORIGIN SCS-03

INFO OCT-01 ARA-06 ISO-00 L-03 H-02 SNM-02 DEAE-00 DHA-02

/019 R

DRAFTED BY SCA:SCS:LJLINK:SAS

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ARA/MEX - JDREYFUSS

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TO AMEMBASSY MEXICO PRIORITY

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E.O. 11652:N/A

TAGS: CASC, MX

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS IN
MEXICO: FOLLOW-UP ACTION ON 15 SAMPLE CASES

REF: STATE 175696

1. THIS MESSAGE WILL BE FOLLOWED SHORTLY BY SERIES OF TELEGRAMS OUTLINING FOLLOW-UP ACTIONS TO BE TAKEN OR ATTEMPTED BY EMBASSY IN CASES OF EACH OF 15 PRISONERS INTERVIEWED BY DEPARTMENT TEAM FOR CONGRESSIONAL HEARINGS. IN EACH MESSAGE, WE WILL LIST THOSE ALLEGATIONS WHICH TEAM FOUND TO BE FULLY OR PARTIALLY SUBSTANTIATED AND WHICH WERE SO REPORTED BY DEPARTMENT TO HOUSE SUBCOMMITTEE ON JULY 21. UNSUBSTANTIATED ALLEGATIONS WILL NOT BE LISTED (THESE CAN BE FOUND IN DEPARTMENT PRESENTATION MATERIAL POUCHED TO CONGEN SMITH JULY 22) AS WE DO NOT EXPECT TO REPORT FURTHER ON THEM TO SUBCOMMITTEE. AS INDICATED REFTEL, DEPARTMENT WILL

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MAKE REPORT TO SUBCOMMITTEE ON PROGRESS OF FOLLOW-UP ACTIONS

IN THESE 15 CASES IN LATE SEPTEMBER, ALONG WITH THE INITIAL GROUP OF CASES OF ALL OTHER AMERICAN PRISONERS IN MEXICO BEING GIVEN OVERALL REVIEW. (SUBSEQUENT PERIODIC REPORTS ON THE OVERALL REVIEW CASES WILL BE MADE TO THE SUBCOMMITTEE AS THEY ARE DEVELOPED.)

2. EMBASSY REQUESTED TO DO EVERYTHING CONSISTENT WITH U.S. AND MEXICAN LAW TO ASSIST PRISONER SEEK REMEDIES FOR SUBSTANTIATED COMPLAINTS. TO ENABLE US TO PREPARE INITIAL FOLLOW-UP REPORT TO SUBCOMMITTEE LATE SEPTEMBER, WE WILL NEED TIMELY AND SPECIFIC REPORTING BY EMBASSY ON PROGRESS OF FOLLOW-UP ACTION IN EACH OF 15 CASES. THIS WILL INCLUDE CASES WHERE FOLLOW-UP ACTION FAILS OR IT BECOMES APPARENT THAT SUCH ACTION HAS NO POSSIBLE CHANCE OF SUCCESS. IF PRISONER OR FAMILY DO NOT WANT TO TAKE ANY REMEDIAL ACTION, EMBASSY SHOULD ASCERTAIN THEIR REASONS. IF, IN SOME CASES, ONLY FEASIBLE ACTION IS LONG-TERM GENERAL PROCESS, E.G. CONSULAR ACCESS, THIS SHOULD BE SO STATED IN MAKING INDIVIDUAL REPORTS. IN THOSE INSTANCES WHERE EMBASSY AND PRISONER HAVE ALREADY EXHAUSTED ALL POSSIBILITIES OF REDRESS, THIS SHOULD ALSO BE REPORTED WITH EXPLANATION.

3. IF PRISONERS ARE UNWILLING TO ACCEPT DEPARTMENT FINDINGS ON THEIR ALLEGATIONS, CONOFFS SHOULD INVITE THEM TO SUBMIT ANY NEW OR ADDITIONAL HARD EVIDENCE THEY MAY HAVE TO SUPPORT OR DOCUMENT ALLEGATIONS. ANY SUCH MATERIAL THUS RECEIVED SHOULD BE TRANSMITTED TO DEPARTMENT FOR CONSIDERATION. AT THE SAME TIME IT MAY BE POINTED OUT TO THOSE PRISONERS WHOSE ALLEGATIONS HAVE SO FAR NOT, RPT NOT BEEN SUBSTANTIATED THAT ON BASIS OF MATERIAL SUBMITTED, MEMBERS OF SUBCOMMITTEE DID NOT, RPT NOT OBJECT TO OUR FINDINGS. BY SAME TOKEN IF EMBASSY WISHES TO TAKE ISSUE WITH ANY OF THE FINDINGS OF THE DEPARTMENT TEAM, PLEASE ADVISE GIVING REASONS IN DETAIL.

4. IN WORKING WITH THE 15 CASES, EMBASSY WILL PROBABLY FIND MOST USEFUL PARTS OF DEPARTMENT PRESENTATION MATERIAL ARE TAB B (FINDINGS) AND TAB H (SUMMARIES OF COURT RECORDS BY LIC. MENDOZA IGLESIAS). TWO EXTRA SETS OF THESE PAPERS LIMITED OFFICIAL USE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CITIZEN PROTECTION, US CONGRESSIONAL HEARINGS, PRISONERS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE194237
Document Source: CORE
Document Unique ID: 00
Drafter: SCS:LJLINK:SAS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750283-0496
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750847/aaaabplz.tel
Line Count: 108
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 175696
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 11 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 SEP 2003 by izenbei0>; APPROVED <05 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS IN MEXICO: FOLLOW-UP ACTION ON 15 SAMPLE CASES
TAGS: CASC, MX, US
To: MEXICO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006